

Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BETTY RODRIGUEZ,

Plaintiff,

V.

ANDREW SAUL,
Commissioner of Social Security,
Defendant.

Case No.: 2:20-cv-02309-CLB

**STIPULATION TO VOLUNTARY
REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g) AND TO
ENTRY OF JUDGMENT FOR
PLAINTIFF**

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, and with the approval of the Court, that this action be remanded for further administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four.

On remand, the Appeals Council will remand the case to an administrative law judge (ALJ) for a new decision. The ALJ will be instructed to: adjudicate the previously unadjudicated period of April 26, 2016 (the filing date of Plaintiff's SSI application) through April 9, 2017 (the day before Plaintiff was found disabled on her SSI claim); re-evaluate medical opinion evidence, including Dr. Owen's

1 opinion; re-evaluate whether Plaintiff had severe impairments prior to April 10, 2017; re-evaluate
2 Plaintiff's substance abuse disorder and (if necessary) evaluate it in accordance with SSR 13-2p; offer
3 Plaintiff the opportunity for a hearing, take further action to complete the administrative record
4 resolving the above issues, and issue a new decision.

5 The parties further request that the Clerk of the Court be directed to enter a final judgment in
6 favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

7
8 Dated: November 5, 2021

Respectfully submitted,

9 CHERMOL & FISHMAN, LLC

10 /s/ Ashish A. Agrawal

11 ASHISH A. AGRAWAL

(*as authorized via email on November 4, 2021)

12 Attorney for Plaintiff

13 Dated: November 5, 2021

Respectfully submitted,

14 CHRISTOPHER CHIOU

15 Acting United States Attorney

16 /s/ Allison J. Cheung

17 ALLISON J. CHEUNG

Special Assistant United States Attorney

18 Attorneys for Defendant

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21 IT IS SO ORDERED:

22 
HON. CARLA BALDWIN

UNITED STATES MAGISTRATE JUDGE

23
24 DATED: November 5, 2021

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **STIPULATION TO VOLUNTARY REMAND PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g) AND TO ENTRY OF JUDGMENT FOR PLAINTIFF** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Ashish A. Agrawal
ashish@ssihelp.us
Attorney for Plaintiff

Hal Taylor
haltaylorlawyer@gbis.com
Attorney for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 5, 2021

/s/ Allison J. Cheung
ALLISON J. CHEUNG
Special Assistant United States Attorney